

BRENDAN NOONAN

State Marshal, Hartford County

P.O. BOX 511
GLASTONBURY, CT 06033

CELL: (860) 614-7270

OFFICER'S RETURN

STATE OF CONNECTICUT)

ss: Hartford April 15, 2020

COUNTY OF HARTFORD)

RE: CT Ear, Nose & Throat Associates, P.C. vs. James Bennett

Docket Number: HHD-CV-19-6109848-S

_____ **TOTALLY UNSATISFIED**

XXXXXXXXXXXXXXXXXXXX **SATISFIED IN FULL**


_____ **PARTIALLY SATISFIED**

_____ **PART-TIME EMPLOYEE-**

_____ **DEBT DEEMED UNCOLLECTABLE PER
JUDGE'S ORDER**

OTHER: PER DIEM EMPLOYEE

ATTEST:



Brendan Noonan
STATE MARSHAL, HARTFORD COUNTY

WAGE EXECUTION PROCEEDINGS APPLICATION, ORDER, EXECUTION

JD-CV-3 Rev. 2-15
C.G.S. §§ 31-58(j), 52-350a, 52-361a, 52-356d,
29 U.S.C. 208(a)(1)

STATE OF CONNECTICUT SUPERIOR COURT www.jud.ct.gov

Employer: See Page 2 for Instructions

Instructions

Clerk

- Judgment Creditor or Attorney**
1. Unless filing electronically, prepare original and four copies.
 2. Attach form JD-CV-3a to this form, or include with execution as one PDF electronic form.
 3. Present original and 3 copies to clerk of court.
 4. Keep one copy for your file.

1. Issue execution by signing original.
2. Enter any court ordered limitation at the bottom of section II on page 2.
3. Return original and 2 copies if on paper.
4. Retain/scan copy for court file.

APPWEX



WAGEEX



Proper Officer

1. Leave one signed copy with employer.
2. Make return on signed original.
3. Leave one copy of Modification and Exemption Claim form (JD-CV-3a) with employer and fill in "Date of Service" on form.

Name and mailing address of Judgment Creditor or Attorney
(To be completed by Judgment Creditor or Attorney)

PATRICIA S. ROSENBERG
ATTORNEY AT LAW
P.O. BOX 265
WEST SIMSBURY, CT 06092

ADA NOTICE

The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation in accordance with the ADA, contact a court clerk or an ADA contact person listed at www.jud.ct.gov/ADA.

Application	Address of court (Number, street, and town) <input type="checkbox"/> G.A. <input checked="" type="checkbox"/> J.D. <input type="checkbox"/> Housing Session		Date of Judgment	Docket number
	95 Washington St., Hartford CT 06106		05/29/2019	HHD-CV-19-6109848S
	Name(s) and address(es) of Judgment Creditor(s)		Name(s) and address(es) of Judgment Debtor(s)	
	Connecticut Ear, Nose & Throat Associates, P.C. 988 Silas Deane Highway Wethersfield CT 06109		JAMES BENNETT 177 Sigourney St. Hartford CT 06114	
	Name and address of employer of Judgment Debtor (if known) ¹²		Telephone number of employer (if known)	
Apria Healthcare Corp. Headqtrs, Employee Records, 26220 Enterprise Court, Lake Forest CA 92630		(800)305-0263		
1. Amount of Judgment (Include where applicable, prejudgment interest and attorney's fees)		2. Amount of costs and fees		
\$553.63		\$102.35		
3. Total amount of judgment, costs and fees (Add 1 and 2)		4. Total amount paid (if any) ¹³		5. Total amount unpaid (Subtract 4 from 3)
\$655.98		\$0.00		\$655.98
6. Application fee for wage execution. (If not waived by the court)		7. Application fees paid for prior executions on this judgment ¹⁴		
\$105.00		\$0.00		
8. Other Court ordered postjudgment costs and fees ¹⁵		9. Total of lines 5, 6, 7 and 8 ¹⁶		Check if applicable <input type="checkbox"/> Postjudgment interest was ordered by the Court.
\$0.00		\$760.98		

The above-named Judgment Creditor(s) recovered a judgment against the above-named Judgment Debtor(s). The Judgment Debtor(s) has/have failed to pay the total amount due on that judgment. Pursuant to the Connecticut General Statutes, the Court listed above entered an order that the judgment be paid by the above-named Judgment Debtor(s) in the following installment payments:

The amount of \$333.00 was ordered to be paid in weekly (weekly, monthly, or other) installment payments. *See Note below

(Note: This is not the amount the employer must pay. Employer must pay the amount of execution calculated on page 2 of this form.)

The court ordered that installment payments begin on 06/20/2019 (commencement date)

The Judgment Debtor(s) failed to comply with the Installment Payment Order.

Therefore, the Judgment Creditor(s) applies/apply for this execution upon the wages of the Judgment Debtor(s) for the remaining amount due on the judgment shown in line 9 above

Signed (Judgment Creditor or Attorney)	On (Date)	Telephone Number
Patricia Rosenberg	01/21/2020	860-651-7063

To: Any Proper Officer

By the authority of the State of Connecticut, you are ordered to cause any wages due to the Judgment Debtor(s), not exceeding the Amount of Execution calculated on page 2, to be paid to the Judgment Creditor(s) until the judgment is satisfied, including postjudgment interest as ordered by the court, if applicable, plus the application fee(s) and other Court ordered postjudgment costs and fees, and your own fees or until the execution is modified or set aside.

Serve this execution within one year of this date, and make return of service to this court within thirty days from satisfaction of the execution.

Signed (Assistant Clerk of said court)	On (Date)
M. M. M.	1/27/2020

For Court Use Only

File date

104.10

Important Notice To Employer

You are being served with a wage execution, a court order requiring you to withhold non-exempt wages from a person employed by you. This execution is being served on you because your employee, the Judgment Debtor (on page 1), has had a judgment entered against him/her by the Superior Court requiring him/her to pay judgment, costs and fees to the Judgment Creditor (on page 1) and has not made payment of the total amount of the judgment plus any costs and fees as shown on page 1. This notice is to inform you of the actions you must take in order to comply with the law regarding wage executions. Please read each section carefully.

I. You must notify the employee — Your employee has certain legal rights which may allow him/her to request the court to change or stop this execution upon his/her wages. A notice of his/her rights and how to get a hearing in court is attached to the second copy of the wage execution given to you by the officer. You must complete your portion of the wage execution and your portion of the exemption and modification claim form and deliver or mail, postage prepaid, a copy of these papers to your employee immediately so that your employee can make any claims allowed by law.

II. Execution not effective for 20 days — This execution is not effective until after 20 days from the day the officer served these papers on you. No money should be deducted from your employee's wages until the first wages you pay to your employee after the 20-day period ends. If your employee elects within the 20-day period to make a claim to the court that his/her wages are partially or totally exempt from execution to pay this judgment or he/she seeks to have the amount of this execution changed, wages are not to be withheld from the employee until the court decides the claims or determines the rights of your employee in this case. If you are not notified that your employee has filed papers with the court, the execution is to be enforced after 20 days from the date of service on you.

III. Stay of execution — No earnings claimed to be exempt or subject to a claim for modification may be withheld from any employee until determination of the claim by the court.

IV. Only one execution issued under section 52-361a of the General Statutes is to be satisfied at a time — You must make deductions from your employee's wages and pay over the withheld money against only one execution issued under General Statutes section 52-361a at a time. If you are served with more than one execution issued under General Statutes section 52-361a against this employee's wages, the

executions are to be satisfied in the order in which you are served with them. (Income withholdings and voluntary wage deductions for support of a family, if there are any, must be paid before this execution. Family support income withholdings and voluntary wage deductions are issued on Form JD-FM-1.)

V. Maximum amount deducted — The maximum amount which can be legally withheld from your employee's wages is 25% of his/her disposable earnings for each week. The amount to be withheld to pay this execution may be less than 25%, but it can never be more. The computations you complete below will allow you to calculate the exact amount which should be withheld from this employee's wages.

Unless the court orders that this execution is to be for a smaller amount, you must withhold and pay over the maximum amount which you figure out using the computations below. Your employee has a right to request the court to reduce the amount withheld, but until you receive notice that the court has agreed to allow the amount to be reduced, you must withhold the maximum amount.

VI. Your duty to comply with this execution — You have a legal duty to make deductions from your employee's wages and pay any amounts deducted as required by this execution. If you do not, legal action may be taken against you. If you are found to be in contempt of a court order, you may be held liable to the Judgment Creditor for the amounts of wages which you did not withhold from your employee.

VII. Discipline against your employee — You may not discipline, suspend or discharge your employee because this wage execution has been served upon you. If you do unlawfully take action against your employee, you may be liable to pay him all of his lost earnings and employment benefits from the time of your action to the time that the employee is reinstated.

The law allows you to take disciplinary measures against the employee if you are served with more than 7 wage executions against his/her wages in any calendar year.

Section I. Calculation Of Employee's Disposable Earnings

"Disposable Earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of amounts to be withheld for payment of federal income and employment taxes, normal retirement contributions, union dues and initiation fees, group life insurance premiums, health insurance premiums, and federal tax levies.

1. Employee's gross compensation per week.....
2. Federal income tax withheld.....
3. Federal employment tax.....
4. Normal retirement contribution.....
5. Union dues and initiation fees.....
6. Group life insurance premium.....
7. Health insurance premium.....
8. Other federal tax levies.....
9. Total allowable deductions (Add lines 2-8).....
10. Weekly Disposable Earnings (Subtract line 9 from line 1).....

Section II. Calculation Of Employee's Disposable Earnings

To be calculated by employer	Column 1	Column 2
A-1. Weekly disposable earnings (from line 10 above)	\$	
A-2. 25% of disposable earnings for week		\$
B-1. Weekly disposable earnings (from line 10 above)	\$	
B-2. Forty times the higher of the current federal minimum hourly wage or state full minimum fair wage.	\$	
Amount by which line B-1 exceeds B-2		\$
Amount of Execution (Employer must pay the lesser of the two amounts in column 2, unless the court ordered limitation set forth below is a lesser amount, in which case the employer must pay that lesser amount)		\$

Court ordered limitation (if any, to be entered by clerk)

**EXEMPTION AND MODIFICATION
CLAIM FORM, WAGE EXECUTION**JD-CV-3a Rev. 11-15
C.G.S. § 31-58(i), 52-212, 52-350a, 52-352b, 52-361a,
52-361b, 29 U.S.C. 206(a)(1)STATE OF CONNECTICUT
SUPERIOR COURT
www.jud.ct.govName and mailing address of judgment debtor (person who must pay money) or
attorney of judgment debtor
(To be completed by judgment creditor (person who money is paid to))

To:

JAMES BENNETT
177 Sigourney St.
Hartford CT 06114

MXMP EX

Instructions:**To proper officer:** Complete Section II below and
make service on employer in accordance with the
instructions on form JD-CV-3.**To employer:** Complete Section III below and
immediately deliver to employee.**Section I - Judgment Creditor (person who money is paid to) must fill out this section and attach to one copy of the wage execution application (JD-CV-3).**

<input checked="" type="checkbox"/> Judicial District <input type="checkbox"/> Housing Session <input type="checkbox"/> Geographical Area number	Name and address of court JD of Hartford, 95 Washington St., Hartford CT 06106
Name of case Connecticut Ear, Nose & Throat Associates, P.C. vs. JAMES BENNETT Name of judgment debtor (person who must pay money) JAMES BENNETT	Docket number HHD-CV-19-61098485

Section II - Proper Officer must complete this section

Name of proper officer	Date of service of wage execution on employer
------------------------	---

Section III - Employer must fill out this section and IMMEDIATELY send one copy of this form and the Wage Execution form (JD-CV-3) to the judgment debtor (General Statutes section 52-361a(d)).

Name and address of employer	Telephone number of payroll department	
Date of delivery or mailing to judgment debtor	Total amount of wage execution \$	Amount to be taken out from weekly earnings \$

Section IV - Notice to judgment debtor (person who must pay money)

Because a judgment entered against you, the attached execution has been issued against wages earned by you from the employer named above. Beginning twenty (20) days from the Date of Service of Wage Execution on Employer indicated above, the employer will remove from your weekly earnings an amount of money which leaves you with (a) seventy-five percent (75%) of your disposable earnings OR (b) forty (40) times the higher of the minimum hourly wage set by federal law or state law; whichever is the larger amount. On page 2 of this form are the sections of the Connecticut General Statutes which your employer must follow to figure out (calculate) the weekly amount that may be taken out of your wages to agree with the wage execution. If you think that your employer has not calculated the weekly amount correctly, you should tell your employer.

Your earnings may be exempt from execution (do not have to be taken) — Any wages earned by a person who gets public assistance under an incentive earnings or similar program are exempt from (may not be taken from you) execution. (Section 52-352b(d) of the Connecticut General Statutes).

How to claim an exemption allowed by law — If you want to claim that your earnings are exempt by law from execution you must fill out and sign the Claim of Exemption on page 2 of this form and return this exemption and modification claim form to the Superior Court at the above address.

When the clerk of the Superior Court gets this form, the clerk will notify you and the judgment creditor of the date on which the court will have a hearing to figure out the issues raised by your claim. If this form is received by the court no later than twenty (20) days from the Date of Service of Wage Execution on Employer indicated above, the employer will not begin withholding (removing) your earnings from your wages until after your claim is figured out by the court. A claim may also be filed after the twenty (20) day period. No earnings claimed to be exempt may be withheld from any employee until the claim has been figured out.

Modification of execution — If you have reasonable cause to believe that you have a right to a modification (change) of the wage execution and you want to ask for a modification (to have less money taken from your wages), you must fill out the Claim for Modification on page 2 of this form and return this exemption and modification claim form to the Superior Court at the address listed above.

When the clerk of Superior Court gets this form the clerk will tell you and the judgment creditor the date on which the court will have a hearing to figure out the issues raised by your claim. If this form is received by the court no later than twenty (20) days from the Date of Service of Wage Execution on Employer indicated above, the employer will not begin withholding your earnings until after your claim is figured out by the court. A claim may also be filed after the twenty (20) day period. No earnings subject to a claim for modification may be withheld from any employee until the claim has been figured out.

Setting aside judgment — If the judgment was made against you because you did not come to court, you may, within four (4) months of the date the court made its judgment and upon belief that you have reasonable cause, ask the court to set aside the judgment entered against you and the case will begin again. A fee will be charged to you for a motion to set aside judgment.

For Court Use Only

File date

Section V - Claim of exemption established by law

I, the Judgment Debtor (person who must pay money), claim and certify under the penalty of false statement that my earnings are exempt from execution (do not have to be taken) because:

- ☐ I get public assistance and earn wages under an incentive earnings or similar program and my earnings are exempt from execution, or
- ☐ Other statutory exemption (state exemption and statutory citation) _____

Signed (Judgment Debtor)	Date signed	Name and address of judgment debtor	Telephone number
--------------------------	-------------	-------------------------------------	------------------

Section VI - Claim for modification

I, the Judgment Debtor (person who must pay money), ask for a modification of the wage execution against me because:

New amount requested / Per week	Describe why you think you should get a modification (have less money taken from your wages)
------------------------------------	--

Signed (Judgment Debtor)	Date signed	Name and complete mailing address of judgment debtor	Telephone number
--------------------------	-------------	--	------------------

Section VII - Agreement to a modification

The Judgment Creditor(s) (person who money is paid to) agrees to the modification of the Wage Execution claimed

Signed (Judgment Creditor(s) or Attorney)	Date
---	------

Section VIII - Notice of hearing on exemption / modification claim

Date of hearing	Time of hearing ___ M.	Courtroom	By the Assistant Clerk
-----------------	---------------------------	-----------	------------------------

Section IX - Order of court

It is ordered that:

Signed (Judge, Magistrate, Assistant Clerk)	By order of the court	Date signed
---	-----------------------	-------------

General statutes

1. The following is the part of section 52-361a(f) of the Connecticut General Statutes which says what part of your wages can be removed by the employer and given to the judgment creditor.

"The maximum part of the aggregate weekly earnings of an individual which may be subject under this section to levy or other withholding for payment of a judgment is the lesser of (1) twenty-five (25) percent of his disposable earnings for that week, or (2) the amount by which his disposable earnings for that week exceed forty (40) times the higher of (A) the minimum hourly wage prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938, 29 U.S.C. section 206(a)(1), or (B) the full minimum fair wage established by subsection (j) of section 31-58, in effect at the time the earnings are payable."

2. The following is the part of section 52-350a(4) of the Connecticut General Statutes which defines disposable earnings and which defines what parts of your wages which can not be included in your total earnings when figuring out (calculating) the weekly amount which is subject to execution.

"Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of amounts required to be withheld for payment of federal income and employment taxes, normal retirement contributions, union dues and initiation fees, group life insurance premiums, health insurance premiums and federal tax levies."

The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation in accordance with the ADA, contact the clerk at the court named on page 1 or an ADA contact person listed at www.jud.ct.gov/ADA/.